

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JERROD BAILEY)	
Plaintiff,)	Civil Action No. 12-297Erie
)	
)	
v.)	
)	
SUPERINTENDENT of Southport)	
Correctional Facility, et al,)	Magistrate Judge Baxter
Defendants.)	

MEMORANDUM OPINION AND ORDER

M.J. Susan Paradise Baxter

This civil rights action was filed in this Court on November 29, 2012. Plaintiff, acting pro se, brought this civil rights action under 42 U.S.C. § 1983 alleging that his constitutional rights were violated during his incarceration. Named as Defendants in this action are: the Superintendent, Counselor Morales, and Captain Senora, all of the Southport Correctional Facility in Pine City, New York. Plaintiff has filed a motion for leave to proceed in forma pauperis, which remains pending.

Title 28 U.S.C. § 1404(a) provides that “for the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” Title 28 U.S.C. § 1391(b) provides that venue is proper in civil rights actions in (1) a judicial district where any defendant resides, if all defendants reside in the same state, or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. In this case, the named Defendants are not located within this District and the acts complained of did not occur within this District. For the

convenience of the parties, the Clerk of Courts is directed to transfer this action to the United States District Court for the Western District of New York, where the Defendants reside, and where the acts complained of occurred.

An appropriate Order follows.

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FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ORDER

AND NOW, this 30th day of November, 2012;

IT IS HEREBY ORDERED that the Clerk of Courts is directed to transfer this case to the United States District Court for the Western District of New York, FORTHWITH. The transferee Court should decide Plaintiff's motion for leave to proceed in forma pauperis.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge